

	Garner Police Department Written Directive	
	Chapter: 800 - Operations	
	Directive: 830.07 - Traffic Checking Stations	
Authorized by: Chief Joe Binns		Effective Date: June 15, 2021
CALEA Standards: 61.4.1, 61.4.2, 61.4.3, and 61.4.4		

830.7.1 - Purpose

The purpose of this directive is to establish guidelines and procedures to be used for the physical construction and operation of a checking station.

830.7.2 - Policy

Checking stations are established pursuant to G.S. 20-16.3A and are established and operated for the purpose of ensuring compliance with North Carolina's motor vehicle code. All officers of this Department are required to comply with this policy when participating in a checking station established by this Department. When participating in checking stations with other law enforcement agencies, the checking station plan shall control.

830.7.3 - Definitions

- A. Alcohol Screening Device - A portable device suitable to assist officers to make on-the-scene determinations of a person's blood alcohol concentration.
- B. Staging Area - A secure area of the checking station, away from the flow of traffic, with room to park vehicles and conduct tests to measure impairment.

830.7.4 – Alcohol Screening Devices

- A. Officers will use devices approved by the Injury Control Section, North Carolina Department of Health and Human Services. (Refer to the North Carolina Administrative Code T15A:19B .0503). Officers must comply with the requirements outlined in the North Carolina Administrative Code T15A: 19B .0501.
- B. The driver of any vehicle may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the stop the officer determines that the driver had previously consumed or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

830.7.5 - Site Selection

- A. The location of a checking station shall be random or statistically indicated. Checking stations placed repeatedly in the same location or proximity are prohibited pursuant to NCGS 20-16.3A (2) (d).
- B. The site for every checkpoint shall be selected with due regard for the safety of motorists and the officers conducting the checking station.

830.7.6 - Advance Notification

Checking stations involving a large number of agency personnel or multiple agencies will require the advance notification of the following;

- A. Media: Whenever possible, the news media will be notified in advance by the Supervisor of the use of checking stations. Media interest in checking stations will be encouraged to enhance the deterrent effects.
- B. Other Agencies: Other public safety or criminal justice agencies that may be impacted by the checking station will be notified in advance. These agencies include, but are not limited to;
 - 1. Wake County Jail,
 - 2. Wake County Magistrates Office, and
 - 3. City County Bureau of Identification (Prisoner Processing Unit).

830.7.7 – Checking Station Marking

- A. The public shall be advised that an authorized checkpoint is being conducted by having, at a minimum, one law enforcement vehicle with its emergency lights activated at all times during the operation of the checkpoint.
- B. Signs, lights, cones and other warning devices may be used but are not required.

830.7.8 - Detection and Investigation Techniques

During the course of a stop at a checking station, if an officer determines that there is reasonable suspicion to believe that a driver or other occupant has violated a provision of Chapter 20 or other provision of law, the officer may detain that driver or occupant for a reasonable period of time in order to investigate further

830.7.9 - Personnel

- A. Single Agency Checking Station: Conducted by only Garner Police Officers.
 - 1. Checking Station Approval: The checking station shall be approved by a Sergeant or higher authority. Authorization shall include the location and duration of the checking station. The supervisor authorizing the checking shall designate an officer to be the on-site supervisor of the checking station (this officer may be below the rank of sergeant). The on-site supervisor shall be responsible for briefing all officers participating in the checking station on the establishment and operation of the particular checking station, as well as the officer's responsibilities during its operation.
 - 2. Staffing: The checking station will be staffed by a sufficient number of officers to provide a safe and efficient operation. This will require checking station officers and two apprehension vehicles if possible. Any checking station involving more than four officers, will require a Sergeant to be present.
 - 3. Officers will wear the Department's official uniform, including reflective traffic vests, at all times while participating in the checking station.
- B. Multiple Agency Checking Stations: Conducted by Garner Police Officers in conjunction with officers from other agencies.

1. Checking Station Approval: Checking Stations involving a multiple agency will require the approval of a Lieutenant or higher ranking officer.
2. Requirements: All multi-agency checking stations will require the completion of a written plan located in section 830.7.11 of this directive. A copy of the plan will be distributed to each of the personnel working the checking station.

830.7.10 – Checking Station Plan

- A. The pattern for stopping vehicles shall be to stop every vehicle. The on-site supervisor of the checking station may alter this pattern in the event of unreasonable traffic delays or other factors that create a hazard. The alteration of the pattern shall consist of permitting all vehicles to pass through the checkpoint until the delay or hazard is abated. The altered pattern must insure that no individual officer is given discretion as to which vehicle is stopped.
- B. The pattern for requesting documentation is that the drivers of every vehicle stopped shall be requested to produce their driver's license and registration. The on-site supervisor of the checking station may alter this pattern if unreasonable traffic delays or other hazards occur. The altered pattern must insure that no individual officer is given discretion as to what documentation a given driver is required to produce.
- C. If outside law enforcement agencies participate in the checking station, the attached checking station plan shall be used and all participants given a written copy.

830.7.11 – Written Checking Station Plan

Addendum A of this policy includes a template of a written Checking Station Plan. Officers will utilize this plan when the checking station involves an agency other than the Garner Police Department.

Addendum A

WRITTEN CHECKING STATION PLAN

Event: _____

Date(s): _____

Time: _____

Location: _____

Briefing Location: _____

Briefing Time and Date: _____

Communications: _____

Checking Station Supervisor: _____

BATmobile Operator: _____

INTRODUCTION:

This checking station is established pursuant to G.S. 20-16.3A, a copy of which is included. The programmatic purpose of this checking station is to determine compliance with the Motor Vehicle Code (NC General Statutes, Chapter 20). One goal of this combined enforcement effort is to reduce crashes, injuries and deaths caused by impaired driving offenses. By participating, all agencies and officers agree to the purpose of this checking station and to abide by this plan.

A checking station will be set up at the above location. Signs will be set up notifying traffic of the checking station. At least one law enforcement vehicle with a blue light activated will be present while the checking station is in operation.

Systematic Plan for Checking Vehicles

One goal of this checking station is the detection of Driving While Impaired (DWI) violations. Every vehicle that enters the checking station will be checked under normal conditions. The checking station may be canceled or interrupted upon direction of the checking station supervisor. This area has been chosen by the checking station supervisor because it provides sufficient site distance to approaching vehicles and appropriate parking and staging areas for the checking station. It has been evaluated and determined to be in an area and at a time that has the likelihood of detecting impaired drivers. Other considerations when choosing this area include traffic

conditions, the safety of officers and members of the public, the number of vehicles that would be stopped, and the convenience to the motorists.

NO INDIVIDUAL OFFICER HAS THE DISCRETION TO DEVIATE FROM THIS PLAN OF CHECKING VEHICLES. ONLY THE CHECKING STATION SUPERVISOR CAN AUTHORIZE A DEVIATION FROM THE DESIGNATED STOPPING PATTERN.

The area will be marked with traffic cones, signs and at least one law enforcement vehicle with an emergency light activated to advise the public that an authorized checking station is being conducted by the Garner Police Department.

Operational Considerations

To ensure that every officer is familiar with the procedure and the laws governing such operations the following guidelines are to be utilized:

1. All officers are to be familiar with G.S. 20-16.3A and be able to articulate the purpose and the mode of operation of this project in court.
2. A plan has been created and the locations have been selected for the implementation of the checking station.
3. The areas to be checked will be marked with signs and traffic cones alerting the motorists that they are being stopped for a motor vehicle law check.
4. All officers working the project will be uniformed officers.
5. Every vehicle entering the checking station is to be stopped. If traffic conditions create a hazard the checking station supervisor may temporarily alter the traffic pattern until the problem is corrected.
6. The officers involved in the traffic checking station shall follow these guidelines on **ALL** vehicles stopped:
 - a. Request the driver to produce a driver's license and engage them in conversation to determine if the driver has the odor of alcohol on his/her breath, or if their speech pattern indicates possible impairment.
 - b. While the vehicle is stopped, the officer stopping the vehicle shall observe driver's eyes for signs of impairment, observe the driver's clothing and look for open containers of alcoholic beverage in the vehicle. Officers are not limited to these observations, but should use their experience and training to quickly ascertain whether reasonable suspicion exists to believe that the driver or other occupant of the vehicle has violated a provision of the Motor Vehicle Code or other law.

- c. An officer who determines there is a reasonable suspicion that an occupant has violated a provision of the Motor Vehicle Code, or any other provision of law, may detain the driver to further investigate in accordance with law.
 - d. The operator of any vehicle stopped at a checking station may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the course of the stop the stopping officer determines the driver had previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.
 - e. If an officer reasonably suspects a driver of being impaired, the driver shall be requested to exit their vehicle and shall be taken to a safe location for further investigation. Under no circumstances will a suspected impaired driver be allowed to move his or her vehicle from the highway. The vehicle will be moved for the driver.
 - f. Officers designated as apprehension units will be responsible for stopping all vehicles attempting to avoid the checking station. An officer who stops a driver who is attempting to avoid the checking station shall utilize the procedures as set forth above concerning reasonable suspicion.
7. If an officer makes an arrest that requires a chemical analyst for evidence collection and that officer is not a chemical analyst, the designated chemical analyst should handle the collection of breath alcohol evidence. This is for the facilitation of cases in court system only, and it is not mandatory that the designated chemical analyst be used, only recommended.
 8. If a BATmobile is onsite, EC/IR II instruments on the BATmobile can be used for breath testing purposes. If a BATmobile is not onsite, the arresting officer should proceed to the Wake County Jail or other available EC/IR II to conduct alcohol breath testing. If blood testing or a DRE evaluation is required, officers should follow standard operating procedures.

Notes

- All Garner Police units will assist with putting out the traffic cones at the beginning of the checking station.
- PBTs will be available at the checking station.
- Apprehension units will be utilized to watch for any vehicles obviously or illegally avoiding the checking station. These units should also observe any unusual activity occurring in vehicles approaching the checking station (i.e., furtive

movements, lack of a seatbelt, throwing items from vehicle). The deployment of these units is at the discretion of the checking station supervisor.

- Officers working the checking station will be required to wear a reflective traffic vest, ballistic vest, and have a flashlight.
- Areas will be designated to give the officers an area to further test suspected violators and to move their vehicles into.
- A light trailer(s) will be supplied by the Garner Police Department.

CHECKING STATION SUPERVISOR:

The Checking Station Supervisor is the only person authorized to approve deviations to this written plan. Regardless of formal rank, the Checking Station Supervisor is the highest authority at the checking station. The Checking Station Supervisor's responsibilities include:

- Preparing and reviewing this written Checking Station Plan
- Conducting the checking station briefing and ensuring that officers involved in the checking station are aware of the guidelines
- Completing the checking station authorization form
- Supervising the setup of the checking station to ensure that officers have areas to safely approach driver, park vehicles and conduct field sobriety tests
- Supervising checking station operations to ensure that proper procedures are adhered to
- Ensuring, to the best of their ability, the Constitutionality of the checking station by balancing delays to the motoring public against the goal of detecting impaired drivers
- Although this plan does not contain specific contingency provisions, the Checking Station Supervisor may authorize any deviations from this original checking station plan, including but not limited to deviations in the stopping pattern, apprehension units and start and end times; any deviations should be noted for court purposes; these deviations may be implemented because of traffic conditions, staffing issues, or other unanticipated circumstances
- Supervising the dismantling of the checking station, to ensure that all police equipment, trash, etc. has been cleared from the area

- Collecting data concerning the checking station and completing the Traffic Project Summary

20-16.3 Alcohol screening tests required of certain drivers; approval of test devices and manner of use by Department of Health and Human Services; use of test results or refusal.

(a) When Alcohol Screening Test May Be required; Not an Arrest – A law-enforcement officer may require the driver of a vehicle to submit to an alcohol-screening test within a relevant time after the driving if the officer has:

(1) Reasonable grounds to believe that the driver has consumed alcohol and has

- a. Committed a moving traffic violation; or
- b. Been involved in an accident or collision; or

(2) An articulable and reasonable suspicion that the driver has committed an implied-consent offense under G.S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or lawfully encountered by the officer in the course of the performance of the officer's duties. Requiring a driver to submit to an alcohol screening test in accordance with this section does not in itself constitute an arrest.

(b) Approval of Screening Devices and Manner of Use. – The Department of Health and Human Services is directed to examine and approve devices suitable for use by law-enforcement officers in making on-the-scene tests of drivers for alcohol concentration. For each alcohol screening device of class of devices approved, the DHHS must adopt regulations governing the manner of use of the device. For any alcohol screening device that tests the breath of a driver, the DHSS is directed to specify in its regulations the shortest feasible minimum waiting period that does not produce an unacceptable high number or false positive test results.

(c) Tests Must Be Made with Approved Devices and in Approved Manner – No screening test for alcohol concentration is a valid one under this section unless the device used is one approved by the Department of Health and Human Services and the screening test is conducted in accordance with the applicable regulations of the DHHS as to the manner of its use.

(d) Use of Screening Test Results or Refusal by the Driver. – The results of an alcohol screening test or a driver's refusal to submit may be used by a law-enforcement officer, a court, or an administrative agency in determining if there are reasonable grounds for believing that the driver has committed an implied-consent offense under G.S. 20-16.2. Negative or low results on the alcohol screening test may be used in factually appropriate cases by the officer, a court or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than

alcohol. Except as provided in this subsection, the results of an alcohol screening test may not be admitted in evidence in any court or administrative proceeding. (1973, c. 312, s. 1; c. 476, s. 128; 1981, s. 4; c. 747, s. 66; 1983, c. 435, s. 12.)

G.S. 20-16.3A. Checking stations and roadblocks.

(a) A law-enforcement agency may conduct checking stations to determine compliance with the provisions of this Chapter. If the agency is conducting a checking station for the purposes of determining compliance with this Chapter, it must:

(1) Designate in advance the pattern both for stopping vehicles and for requesting drivers that are stopped to produce driver's license, registration, or insurance information.

(2a) Operate under a written policy that provides guidelines for the pattern, which need not be in writing. The policy may be either the agency's own policy, or if the agency does not have a written policy, it may be the policy of another law enforcement agency, and may include contingency provisions for altering either pattern if actual traffic conditions are different from those anticipated, but no individual officer may be given discretion as to which vehicle is stopped or, of the vehicles stopped, which driver is requested to produce driver's license, registration, or insurance information. If officers of a law enforcement agency are operating under another agency's policy, it must be stated in writing.

(3) Advise the public that an authorized checking station is being operated by having, at a minimum, one law enforcement vehicle with its blue light in operation during the conducting of the checking station.

(b) An officer, who determines there is a reasonable suspicion that an occupant has violated a provision of this Chapter, or any other provision of law, may detain the driver to further investigate in accordance with law. The operator of any vehicle stopped at a checking station established under this subsection may be requested to submit to an alcohol screening test under G.S. 20-16.3 if during the course of the stop the officer determines the driver had previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The officer so requesting shall consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further.

(c) Law enforcement agencies may conduct any type of checking station or roadblock as long as it is established and operated in accordance with the provisions of the United States Constitution and the Constitution of North Carolina.

(d) The placement of checkpoints should be random or statistically indicated, and agencies shall avoid placing checkpoints repeatedly in the same location or proximity. This subsection shall not be grounds for a motion to suppress or a defense to any offense arising out of the operation of a checking station.